REMARKS

In the Office Action, the Examiner objected to the disclosure because the serial number of a cross-referenced patent application was left blank. Applicants have amended the specification to include the serial number and request that the Examiner's objection be withdrawn.

Claims 1-12 were originally filed in this case. Claims 1-2 and 4-6 were amended to clarify the claimed subject matter. The claims have in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Claims 8-12 were canceled. Thus, claims 1-7 are pending in the present application.

In the Office Action, the Examiner objected to claims 1 and 4 because of a number of informalities. Applicants have cured these objections by amendment to claims 1 and 4 above. Pursuant to the above amendments, Applicants respectfully request that the Examiner's rejections to claims 1 and 4 be withdrawn.

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner alleges that it is unclear how a decoding operation can be performed on information that has already been decoded. Applicants note that it is well-known in the art to combine newly received information blocks with stored information blocks prior to decoding the combined information blocks. For example, various techniques for decoding combinations of new and stored information blocks are discussed in the background section of the Patent Application. See, e.g., Patent Application, pg. 3, ll. 1-11. Thus, Applicants respectfully submit that it is clear how to

perform a decoding operation on the combined information, as set forth in claim 7. Applicants request that the Examiner's rejection of claim 7 be withdrawn.

In the Office Action, claims 8-9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Crisler, et al (U.S. Patent No. 5,477,550). Claims 8-9 have been canceled, rendering the Examiner's rejections of these claims moot.

In the Office Action, claims 1-6 and 10-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Crisler in view of MacDonald, et al (U.S. Patent No. 5,537,416). Claims 10-12 have been canceled, rendering the Examiner's rejections of these claims moot. The Examiner's remaining rejections of claims 1-6 under 35 U.S.C. § 103(a) are respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As admitted by the Examiner, Crisler fails to teach or suggest deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in a received information message. To remedy this fundamental deficiency in the primary reference, the Examiner alleges that MacDonald teaches deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in a received information message. Applicants respectfully disagree for at least the following reasons.

MacDonald is concerned with allocating received, repeated and non-repeated data blocks to their correct relative positions within a receiver buffer without the need for numbering the data blocks. Corrupted acknowledgment signals may cause errors due to incorrect data block ordering in the receiving apparatus. Thus, MacDonald teaches that each transmitted information block
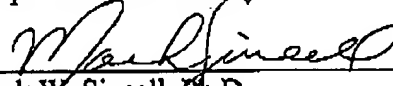
may include a Repeat Flag that indicates whether the information block contains a repeated data block. According to MacDonald, a later information block is stored in the receiver buffer at a first receiver buffer address only if the Repeat Flag of the later information block is set. This prevents a falsely repeated block from being incorrectly stored.

MacDonald does not, however, teach or suggest that the Repeat Flag is used to decide which of a plurality of confirmation messages to transmit. Thus, Applicants respectfully submit that MacDonald fails to teach or suggest deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in a received information message. For at least this reason, Applicants respectfully submit that claims 1-6 are not obvious over Crisler in view of MacDonald because the cited references fail to teach or suggest all the limitations of the claimed invention. Applicants respectfully request that the Examiner's rejections of claims 1-6 be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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